

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

April 14, 2011

8:30 A.M. ROLL CALL

Invocation by Robert Hayes of the Friends Community Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "CRIME VICTIMS RIGHTS WEEK" – Councilmember Westerlund – **Read and presented**

Proclamation of "NATIONAL ARCHITECTURE WEEK" – Councilmember Xiong – **Read and presented**

Presentation of a check in the amount of \$25,000 from GAP to Fresno United Neighborhoods to support the PARCS Fresno BEST program (Building Everyone's Skills for Tomorrow) to support underserved Fresno youth – Councilmember Baines & PARCS - **Presented**

Presentation of a Resolution of Commendation congratulating the Fleet Management Division for earning the Automotive Service Excellence (ASE) Blue Seal of Excellence recognition for the 11th consecutive year – Transportation Dept. - **Presented**

Add-on: Proclamation of "SAN MARZILIANO DAY" – Acting President Olivier – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

April 14, 2011

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION
AND MAY BE AMENDED AT ANYTIME**

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PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of April 7, 2011

Action Taken: Approved

Approve City of Fresno Cultural Arts Properties (COFCAP) minutes of April 7, 2011

Action Taken: Laid over one week

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time permits.

- A. Ratify the fourth amendment to the agreement with Design Lab 252, of Fresno, CA, in the amount of \$5,300.00 to provide additional services for the Eaton Plaza Park project (*Property located in District 3*) – Public Works Dept.

Action Taken: Approved

- B. Authorize the Department of Transportation to apply for Local Transportation Fund (LTF) and State Transit Assistance (STA) for fiscal year 2011 – Fresno Area Express

Action Taken: Authorized

- C. Adopt Findings of Categorical Exemption per staff determination, pursuant to Sections 15301 (Existing Facilities), 15315 (Minor Land Divisions) and 15332 (Infill Development) of the CEQA Guidelines, for the widening of the south side of E. Ashlan Avenue, west of College Avenue (*Property is located in District 7*) – Public Works Dept.

Action Taken: Adopted

1. Approve a partial acquisition in an amount of \$8,850.00 of one (1) parcel from property owned by John M. and Colleen G. Vidinoff for the widening of the south side of E. Ashlan Avenue, west of College Avenue

Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- D. Adopt Findings of Categorical Exemption per staff determination, pursuant to Sections 15301 (Existing Facilities), 15315 (Minor Land Divisions) and 15332 (Infill Development) of the CEQA Guidelines, for the widening of the south side of E. Ashlan Avenue, west of College Avenue (**Property is located in District 7**) – Public Works Dept.
Action Taken: Adopted
1. Approve a partial acquisition in an amount of \$7,150.00 of one (1) parcel from property owned by Ben G. Sherfy for the widening of the south side of E. Ashlan Avenue, west of College Avenue
Action Taken: Approved
- E. Authorize the Director of the Development and Resource Management Department to negotiate and enter into a consulting services contract in an amount not to exceed \$174,000.00 for program implementation services for the Fresno Regional Comprehensive Residential Retrofit Program with Strategic Energy Innovations of San Rafael, CA - Development and Resource Management Department
Action Taken: Authorized
- F. Approve the appointment of Diane L. Smith to the Downtown Neighborhoods Community Advisory Committee – Councilmember Baines
Action Taken: Approved
- G. Approve a two-year license agreement with Peak Broadcasting for use of Rotary Amphitheater for ten (10) events each year – City Manager's Office
Action Taken: Approved
- H. * **RESOLUTION** – 71st amendment to the Annual Appropriations Resolution (AAR) No. 2010-138 appropriating \$1,000,000.00 for payment of a Fresno Area Express (FAX) claims settlement (**Requires 5 affirmative votes**) – Transportation Dept.
Action Taken: Resolution No. 2011-65 adopted
- I. Approve Contract Change Order No. 9 for Fresno City Hall chiller replacement project – Public Works Dept.
Action Taken: Approved
- J. Appointment of Gary Mason to the Mobile Home Rent Review and Stabilization Commission - Mayor's Office
Action Taken: Removed from the agenda

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

Councilmember Westerlund will be present via conference call from the hotel lobby of Residence Inn, 90 Park Road, Tinton Falls, New Jersey 07724.

9:00 A.M. **GENERAL ADMINISTRATION**

- A. Approve an Exclusive Negotiation Agreement (ENA) with Big League Dreams Consulting, LLC for a lease agreement pertaining to the Granite Park and Regional Sports Complex facilities – City Manager's Office
Action Taken: Approved
- B. **RESOLUTION** - Authorizing the submission of an application to the California Department of Water Resources to obtain stormwater flood management grant program funding for the Fancher Creek flood control improvements project in the amount of \$4.3 million, and authorizing execution of application documents on behalf of the City of Fresno (**Project located in District 5**) – Public Works Dept.
Action Taken: Resolution No. 2011-66 adopted

9:15 A.M.

CITY COUNCIL

- A. **WORKSHOP** regarding the recent layoffs – Councilmember Xiong - **Held**
- B. Approval of a letter to our Federal delegation in Support of Community Services Block Grant (CSBG) funding – Councilmember Baines
Action Taken: **Approved**

10:00 A.M.

- A. Presentation regarding Darling Internationals current operations located at 795 W. Belgravia Avenue in southwest Fresno (**Property located in District 3**) - Councilmember Baines
1. Appearance by Concerned Citizens of West Fresno
 2. Appearance by Darling International
- Disposition:** **Citizen presentation and appearances made**

10:30 A.M.

JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY

Approve Agency minutes of March 10, 2011

Action Taken: **Approved**

- A. **RESOLUTION** - Authorizing the City of Fresno and the Redevelopment Agency of the City of Fresno to apply for and receive \$100,000.00 from the National Endowment for the Arts Our Town Program for the proposed Mariposa Plaza design and Fulton Mall artwork curatorship project located in the Central Business District Redevelopment Project Area; and authorizing the Agency Executive Director to obligate \$100,000 as matching funds for the proposed project (**Council and Agency action**)
Action Taken: **Resolution Nos. 2011-67/1789 adopted**

ADJOURN AGENCY

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, Subdivision (c) - Councilmember Baines
1. **Case Name:** Potential litigation against Darling International, Inc.
Action Taken: **Held**

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Apr.	21 -	NO MEETING – EASTER WEEK	
Apr.	28 -	10:00 A.M.	HEARING re: Rezone Application No. R-10-007, filed by Dirk Poeschel
Apr.	28 -	10:15A.M.	CONTINUED HEARING regarding the reversion of acreage of Final Map of Tract 4983 – Public Works Dept.
May	5 -	8:30 A.M. (or thereafter)	Request from JHS Family Ltd. Partnership for refund of overpayment on 2011-2011 property tax bills for various properties within the City
May	12 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates Ceremony (<i>Reception immediately following – 2nd floor foyer</i>)
May	19 -	MEETING –	ROLL CALL AT 9:00 A.M.
May	19 -	10:00 A.M.	HEARING re: Plan Amendment Application No. A-11-01, Rezone Application No. R-11-01, filed by Joe Guagliardo, of Comprehensive Planning Associates, on behalf of the U.S. Postal Service (Property owner)
May	26 -	10:00 A.M.	HEARING re: CFD No. 11, Annexation No. 42, Tract No. 5977 (<i>Property located in District 6</i>)